



The Commonwealth of Massachusetts
COMMISSION ON JUDICIAL CONDUCT

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PRESS RELEASE

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**MASSACHUSETTS COMMISSION ON JUDICIAL CONDUCT REPORT OF
ACTIVITIES FOR FIRST AND SECOND QUARTER OF 2014**

BOSTON, MA (July 23, 2014) – On July 23, 2014, the Commission on Judicial Conduct's Executive Director, Howard V. Neff, III, published this interim report of Commission activities, covering the Commission's activities for the first two quarters of calendar year 2014, from January 1, 2014 through June 30, 2014. During that period, 190 complaints were filed with the Commission, and out of those complaints, twenty-five were docketed for investigation or preliminary inquiry, as they alleged conduct that, if true, would constitute judicial misconduct.

During the first two quarters, the Commission held six meetings and considered forty-nine complaints that had been docketed in 2014 and in previous years.

Of those forty-nine complaints, forty-five were dismissed by the Commission after investigation or preliminary inquiry. In three of those dismissed complaints, the Commission found that the evidence did not rise to the level of judicial misconduct but expressed its concern to the judge that he or she should avoid the same or similar conduct in the future.

One of the forty-nine complaints before by the Commission in the first two quarters is still being considered. Three of the forty-nine complaints considered were against the same judge and were resolved through a confidential Agreed Disposition, which will remain open until all requirements agreed to by the Commission and the judge have been met.

Pursuant to Agreed Dispositions that became effective in 2014 and in previous years, during the first two quarters of 2014, the Commission monitored the conduct of judges in connection with Agreed Dispositions in nine complaints. The Commission successfully closed two of those complaints.

Pursuant to the Commission's statute and rules, an Agreed Disposition may take the form of an Informal Adjustment in which the Commission informs or admonishes the judge that certain conduct is or may be cause for discipline, or an Agreed Disposition may take the form of a



reprimand. This form of disposition requires agreement by the judge. In most cases, this type of disposition has a valuable, favorable effect on a judge's conduct. The terms of such a disposition usually include a period of monitoring by the Commission and conditions imposed on the judge that are designed to prevent a repetition of the misconduct. The conditions may include counseling, education, assignment of a mentor judge, monitoring by the Commission for a specified period of time, voluntary retirement, or other appropriate conditions.

- In the one Agreed Disposition entered into by the Commission during the first two quarters of 2014, the three underlying complaints arose from three separate cases before the judge.

The Commission found that the judge had engaged in a pattern of discourtesy toward litigants and lawyers, in violation of the judge's duty under Canon 1A to observe high standards of conduct, and the judge's duty under Canon 3B(4) to be patient and courteous to litigants and lawyers. The Commission also found that the judge had engaged in a pattern of conduct that created an appearance of bias and prejudgment, in violation of Canon 2A and that, in one of those three matters, the judge had failed to provide a party appearing before the judge with an opportunity to present evidence, in further violation of Canons 1A and 2A, and in violation of the judge's duty under Canon 3B(2) to be faithful to the law.

The Commission and the judge entered into an agreement under which the judge would retire within a specified time.

The Commission's statute, rules, and a copy of the Commission's 2013 Annual Report are available on the Commission's website: www.mass.gov/cjc.

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